

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN AUTOMOTIVE MEASURING DEVICES,
PRODUCTS CONTAINING SAME, AND
BEZELS FOR SUCH DEVICES**

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) **Inv. No. 337-TA-494**
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**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING RESPONDENT AUTO GAUGE (TAIWAN) CO., LTD.
IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") issued by the presiding administrative law judge ("ALJ") finding respondent Auto Gauge (Taiwan) Co., Ltd. ("AGT") in default.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: The Commission issued a notice of investigation dated June 16, 2003, naming Auto Meter Products, Inc. ("Auto Meter") of Sycamore, Illinois, as the complainant and several companies, including AGT, as respondents. On June 20, 2003, the notice of investigation was published in the *Federal Register*. 68 *Fed. Reg.* 37023. The complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation and sale of certain automotive measuring devices, products containing same, and bezels for such devices, by reason of infringement of U.S. Registered Trademark Nos. 1,732,643 and 1,497,472, and U.S. Supplemental Register No. 1,903908, and infringement of the complainant's trade dress. Subsequently, seven more firms were added as respondents based on two separate motions filed by Auto Meter.

On February 9, 2004, the ALJ issued Order No. 17, granting Auto Meter's motion to compel discovery from AGT. AGT did not respond to Auto Meter's motion to compel and, thus, failed to comply with Order No. 17's requirement to respond to the discovery requests at issue by February 20, 2004. On February 23, 2004, Auto Meter filed a motion to hold AGT in default.

On April 7, 2004, the ALJ issued Order No. 18. In this Order the ALJ found that AGT has not responded to the pending motion to find it in default. The ALJ granted Auto Meter's motion and found AGT to be in default. The ALJ determined that, consequently, AGT has waived its right to appear, to be served with documents, and to contest the allegations at issue in the investigation. No party petitioned for review of the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: May 20, 2004

